

Youth, Rights & Justice

ATTORNEYS AT LAW

To: Education Subcommittee of the Joint Committee on Ways and Means, 2017 Oregon Legislative Assembly
From: Mark McKechnie, MSW, Executive Director
Date: June 14, 2017
RE: Support for SB 20-A

Co-Chairs Monroe and Smith Warner and Members of the Subcommittee:

Youth, Rights & Justice supported HB 3075 in 2005. This legislation continues to provide school stability for children in foster care in Oregon by maintaining school residency for children who enter foster care or change foster care placements when the juvenile court finds that it is in the child's best interests to remain in the same school. Oregon was one of only a few states to enact such laws promoting school stability for foster children at that time. SB 20-A will improve and strengthen protections for students in foster care in Oregon.

Faced with compelling research on the importance of and the need for school stability for children,¹ the U.S. Congress subsequently passed the Fostering Connections Act in 2010 and the Every Student Succeeds Act (ESSA) in 2015. Title I of ESSA contains provisions specific to students in foster care, also referred to as "substitute care." Children in foster care are some of the most highly mobile students served by school districts, and the risks associated with mobility are compounded by numerous other risk factors these students face.²

Children in foster care make up less than 1.5% of students in K-12 public schools on an annual basis.³ They are often unnoticed and do very poorly in school. The Washington State Institute for Public Policy found that students in foster care had a 44% rate of on-time graduation, compared to a 73% rate for all students. Foster youth graduated less often than all other groups, including low-income students, limited English proficient students, migrant students and students in special education.⁴

We are very pleased that ESSA creates a presumption that school stability is in the best interest of children in foster care in the vast majority of circumstances. We are grateful that both the Oregon Department of Education and Oregon Department of Human Services are being pro-active in implementing ESSA on a state level.

¹ See, for example: Jacobson, L. (2001), "Moving Targets," Education Week
<http://www.edweek.org/ew/articles/2001/04/04/29mobility.h20.html>

² One study of youth who aged out of foster care in Oregon and Washington found that 65% of them experienced seven or more school changes. See: Pecora, et. al. (2005) Improving family foster care: Findings from the Northwest foster care alumni study, <https://www.casey.org/northwest-alumni-study/>

³ See 2015 Child Welfare Data Book (Oregon Department of Human Services)
<https://www.oregon.gov/DHS/CHILDREN/CHILD-ABUSE/Documents/2015-cw-data-book.pdf>, and 2014-15 Student Enrollment Report (Oregon Department of Education),
<http://www.ode.state.or.us/news/Announcements/announcement.aspx?ID=10407&TypeID=4>

⁴ Washington State Institute for Public Policy (2012), "Educational Outcomes for Foster Youth – Benchmarks"
http://www.wsipp.wa.gov/ReportFile/1115/Wsipp_Educational-Outcomes-of-Foster-Youth-Benchmarks_Full-Report.pdf

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Based upon our experience over nearly 12 years since HB 3075 was enacted, we worked with the Oregon Department of Education and the Department of Human Services to develop amendments, adopted in the Senate, to help ensure that this legislation will build upon the success of our current law and avoid some of the confusion and challenges we have faced and witnessed regarding implementation of the current law in Oregon.

Oregon has been, and should continue to be, a leader in promoting school stability for students in foster care. SB 20-A will allow continuing school stability for the children for whom the court has made a best interest finding under current law because their current school district of residence will become their school district of origin under the new legislation.

SB 20-A includes Sections 17-20, which include provisions:

- Specifying that the children in foster care impacted by the relevant sections on school/district of origin are in the custody of either the Department of Human Services or a tribal child welfare agency.
- Indicating that the “school of origin” for a student in foster care may include alternative school programs and placements selected by the Individualized Education Program (IEP) Team under the Individuals with Disabilities Education Act, as intended by ESSA⁵
- Clarifying that the ability to remain in the school of origin and district of origin applies to children and youth in foster care between the ages of 4 and 21⁶ and that this provision does not end at age 18 for students who have not completed a high school diploma and/or students who may be eligible for special education services through the school year when they turn 21.
- Clarifying that transportation to the school or district of origin for students in foster care is paid for with public funds. Publicly-funded transportation is often integral to facilitate each student’s attendance at his or her school/district of origin. Inter-agency agreements and memoranda of understanding (MOU), which involve public entities such as school districts, ODE and DHS, already occur in Oregon in order to implement the provisions in HB 3075 (2005).

Youth, Rights & Justice supports school stability for children and young people in Oregon’s foster care system and urges the subcommittee’s support of SB 20-A.

⁵ School districts must make available a range of placement options to meet the needs of children with disabilities for special education and related services, including regular classes, special classes, separate schools, home instruction and instruction in hospitals and institutions. See 34 C.F.R. Section 200.103 (a)(1) and Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care, U.S. Dept of Education and U.S. Dept. of Health and Human Services (June 23, 2016).

⁶ See ORS 419B.328 (stating individuals can remain in foster care until they reach 21 years of age).